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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

JOHN MEYER,

Plaintiff,  
vs.  
BIG SKY RESORT,  
Defendants.

Case No. 2:18-cv-00002-BMM

**JOHN MEYER'S  
VERIFIED STATEMENT  
OF FACTS**

I, John Meyer, hereby make the following statement of facts:

1. I am over eighteen years of age, am a resident and citizen of

Bozeman, Montana, and all of the information stated herein is based on my personal knowledge.

2. I am a licensed attorney, and I am familiar with the Montana Rules of Professional Conduct.

3. My understanding of Rule 4.2 of the Montana Rules of Professional Conduct is that it applies only to communications with represented persons about the lawsuit and the subject of that representation.

**EXHIBIT E**

4. I had limited contact with my friend, Evi Dixon, between December 15, 2017, when I filed my lawsuit, and October, 2019, when I learned that Big Sky had not re-hired Ms. Dixon.

5. On January 13, 2020, Ms. Dixon sent me a text message, with a photo of Loop Road, but I did not respond.

6. I did not request that Ms. Dixon have any photos taken.

7. I did not tell Ms. Dixon to destroy any photos.

8. I assisted Ms. Dixon in responding to the subpoena, Sanctions Exhibit 7 (11.19.19 E.Dixon Subpoena).

9. I reasonably believed that the subpoena only requested documents and communications related to the case, which is what I produced to Big Sky on December 11, 2019.

10. After the court cautioned me on proceeding *pro se*, and granted me a stay of Ms. Dixon's deposition, I obtained counsel to represent me in this matter.

11. Since obtaining counsel, I have had limited involvement in the "lawyering" part of my case.

12. I did not attend Ms. Dixon's depositions.

13. I did not know that there was a problem with the subpoena response until after Ms. Dixon's deposition finished on January 24, 2020.

14. After January 24, 2020, I was not involved in gathering or supplementation of documents responsive to the subpoenas issued to Ms. Dixon in this case.

15. I agreed to pay the costs associated with Ms. Dixon's second deposition.

16. In assisting my counsel with preparing my opposition to sanctions, I found a copy of the photo Ms. Dixon sent me on January 13, 2020. A copy of that photo follows this verification statement.

17. Due to the COVID-19, I was unable to have this statement notarized.

### **VERIFICATION**

I, John Meyer, verify that the foregoing statements are true and correct based on my recollection and personal knowledge of the events discussed therein, and are made under the penalty of perjury.

DATED: April 10, 2020

/s/ John Meyer  
JOHN MEYER

